

## Message Text

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ACTION SCS-05

INFO OCT-01 ARA-14 ISO-00 SCA-01 DHA-02 L-03 H-02  
INR-07 /035 W

-----057259 150250Z /64

R 142043Z JUL 77  
FM AMEMBASSY MEXICO  
TO SECSTATE WASHDC 3522  
INFO ALL USCONS MEXICO

UNCLAS MEXICO 11705

DEPARTMENT FOR SCS

EO 11652: N/A  
TAGSCARR, MX  
SUBJECT: LEGAL REPRESENTATION AVAILABLE TO AMERICANS  
ARRESTED ABROAD

REF: STATE 147704

1. FOLLOWING ARE RESPONSES TO SPECIFIC QUESTIONS RAISED  
REFTEL:

A. IS LEGAL REPRESENTATION OF PUBLIC DEFENDER TYPE  
PROVIDED GRATIS TO PRISONERS ...?

YES. ARTICLE 20, PARAGRAPH IX OF THE MEXICAN  
CONSTITUTION REQUIRES THE GOVERNMENT TO PROVIDE  
THE SERVICES OF A PUBLIC DEFENDER WHEN RE-  
QUIRED. IN PRACTICE, PUBLIC DEFENDERS ARE PRO-  
VIDED GRATIS TO ALL PRISONERS, INCLUDING U.S.  
NATIONALS, WHO ARE UNABLE TO RETAIN PRIVATE  
COUNSEL, OR ELECT NOT TO DO SO. HOWEVER, SEE  
CAVEAT PARA. C.

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B. IS SUCH LEGAL REPRESENTATION READILY AVAILABLE?

PUBLIC DEFENDERS ARE "READILY AVAILABLE", IN  
THE SENSE THAT AT LEAST ONE PUBLIC DEFENDER IS  
NAMED FOR EACH COURT, TO HANDLE THE CASES OF  
PRISONERS WHO DO NOT HAVE PRIVATE ATTORNEYS.  
HOWEVER, IN PRACTICE, MANY IF NOT MOST

PUBLIC DEFENDERS DO LITTLE FOR THE CLIENTS  
ASSIGNED THEM BY THE COURTS. IN MANY CASES IN  
MEXICO CITY, THE PUBLIC DEFENDER NEVER SEES HIS  
PUBLIC CLIENTS.

C. QUALITY OF PUBLIC DEFENDERS VS. PRIVATE COUNSEL.  
THE QUALITY OF LEGAL REPRESENTATION PROVIDED BY  
PUBLIC DEFENDERS VARIES WIDELY IN MEXICO, FROM  
ONE LOCALITY TO ANOTHER AND FROM ONE INDIVIDUAL  
DEFENDER TO ANOTHER. WITHIN MEXICO CITY THE  
QUALITY OF REPRESENTATION PROVIDED BY THE PUBLIC  
DEFENDERS IS DEPLORABLE, SO RUDIMENTARY AS TO BE  
VIRTUALLY NONEXISTENT. IN SOME LOCALITIES  
OUTSIDE OF THE CAPITAL, THE PUBLIC DEFENDERS ARE  
MORE ACTIVE AND PROVIDE A REASONABLY ADEQUATE  
DEFENSE. ON THE OTHER HAND, THE AVAILABILITY OF  
HONEST, COMPETENT PRIVATE CRIMINAL ATTORNEYS,  
PARTICULARLY ATTORNEYS WHO WILL HANDLE NARCO-  
TICS CASES, IS A SERIOUS PROBLEM THROUGHOUT  
MEXICO.

FOR MORE BACKGROUND ON THE PROBLEM OF LEGAL REPRESENTATION  
IN MEXICO, THE DEPARTMENT IS REFERRED TO THE  
MEMORANDUM OF THE EMBASSY LEGAL ADVISER DATED MAY 9,  
1977, WHICH WAS POUCHED TO SCS (MR. GISE) ON JUNE 9.

LUCEY

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NNN

## Message Attributes

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**TAGS:** CARR, MX  
**To:** STATE  
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**Review Markings:**  
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